IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAIL STOP AMENDMENT

Siu Wing Or et al.

In re Patent Application of

Application No.: 10/814,265

Filing Date: April 1, 2004

Group Art Unit: 2834

Examiner: THANH LAM

Confirmation No.: 8106

Title: MAGNETOELECTRIC DEVICES AND METHODS OF USING SAME

## **AMENDMENT/REPLY TRANSMITTAL LETTER**

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Enc	losed is a reply for the above-identified patent application.							
×	A Petition for Extension of Time is also enclosed.							
	Terminal Disclaimer(s) and the \$\Bigsigmu\$\$ \$65.00 (2814) \$\Bigsigmu\$\$ \$130.00 (1814) fee per Disclaimer due under 37 C.F.R. \( \) 1.20(d) are also enclosed.							
	Also enclosed is/are							
	Small entity status is hereby claimed.							
	Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the \$3\$5.00 (2801) \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).							
	Applicant(s) requests that any previously unentered after final amendments <u>not</u> be entered. Continued examination is requested based on the enclosed documents identified above.							
	Applicant(s) previously submitted							
	on, for which continued examination is requested.							
	Applicant(s) requests suspension of action by the Office until at least which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.							
	A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.							

Attorney Docket No.

007198-589

Application No. \_\_10/814,265

X	No additional claim fee is required.	

	An additional	claim fee is	required, a	and is calcu	ilated as	shown I	below.
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AMENDED CLAIMS									
	No. of Claims	Highe: of Cla Previo Paid	aims ously		Extra Claims		Ra	te	Additional Fee
Total Claims	16	MINUS	20	=	0	×	\$50.00	(1202) =	\$ 0.00
Independent Claims	2	MINUS	3	=	0	×	\$200.00	(1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$360.00 (1203)								\$ 0.00	
Total Claim Amendment Fee							\$ 0.00		
Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00				
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT						\$ 0.00			

A check in the amour	t of	is enclosed for the fee due.
Charge	_ to Deposit Acco	unt No. 02-4800.
Charge	to credit card. I	Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404 Alexandria, Virginia 22313-1404 (703) 836-6620

Date: May 23, 2005

Ву

James A. LaBarre

Registration No. 28,632

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In re Patent Application of

Siu Wing Or et al.

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**RESPONSE** 

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated March 23, 2005, Applicants hereby elect the subject matter of Group I, a magnetoelectric element.

In addition to the restriction requirement, the Office Action includes an election of species requirement, and identifies each of Figures 1a-1c, 2a-2c, 3a-3g, 4a, 4b, 5a, 5b and 6 as distinct species. Applicants respectfully traverse this requirement as improper, on the grounds that these figures do not each represent a species that is mutually exclusive from all of the other identified figures. For instance, Figures 3a-3g illustrate different configurations of a magnetoresistive element that comprises a combination of one or more magnetoresistive elements as shown in Figures 1a-1c, and one or more piezoelectric elements as shown in Figures 2a-2c. Furthermore, the sensor of Figures 4a and 4b, and the transducers of Figures 5a and 5b, employ magnetoelectric elements of the types shown in Figures 3a-3g. Likewise, the multi-element device of Figure 6 includes sensors or transducers of the types shown in Figures 4a-5b.

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Hence, the eighteen species set forth in the Office Action do not each

represent an embodiment having features that are mutually exclusive of all of the

other species. Rather, some of the species include all the features of other species.

It is respectfully submitted that the identification of species, as set forth in the Office

Action, is improper and the election requirement is therefore traversed.

Although the election requirement is traversed for the reasons set forth above,

in order that this response be considered complete, Applicants hereby elect the

species of Figure 6, since it is the most comprehensive and encompasses all of the

other species. Claims 1-13 read upon the elected species, and at least claims 1-10

are generic to multiple species.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: May 23, 2005

James A. LaBarre

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